AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions and listings of claims in this application.

- 1. (previously presented) A crystalline form of gatifloxacin characterized by an x-ray diffraction diagram consisting essentially of a major reflection at about $17.2^{\circ} \pm 0.2^{\circ} 2\theta$.
- 2. (original) The crystalline form of gatifloxacin of claim 1 having an x-ray diffraction diagram as shown in Figure 1.
- 3. (previously presented) A method of making the crystalline gatifloxacin of claim 1 comprising the steps of:
- a) providing, at a temperature of at least about 70°C, a solution of gatifloxacin in a solvent consisting essentially of a mixture of methanol and water, wherein the water is present in the mixture in an amount of about 5 vol-% to about 15 vol-% relative to the methanol.
 - b) cooling the solution to obtain a suspension,
 - c) isolating a solid from the suspension, and
- d) drying the isolated solid at a temperature of about 40° C to about 70° C to obtain the crystalline form of gatifloxacin.
- 4. (original) The method of claim 3 wherein the solution is cooled to ambient temperature and thereafter to a temperature of about 0° C to about 10° C.
- 5. (previously presented) The method of claim 3 wherein the water is present in the mixture in an amount of about 10 vol-% relative to the methanol.
- 6. (previously presented) The method of claim 3 wherein the isolated solid is dried at a temperature of about 55° C.
- 7. (previously presented) A crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 8.8°, 14.1°, 17.6°, 18.2°, 22.0°, and $22.6^{\circ} \pm 0.2^{\circ} 2\theta$.
- 8. (original) The crystalline form of gatifloxacin of claim 7 having an x-ray diffraction diagram as shown in Figure 2.

- 9. (previously presented) A method of making the crystalline form of gatifloxacin of claim 8, comprising the steps of:
- a) slurrying gatifloxacin in ethanol, wherein the gatifloxacin slurried is selected from
- i) a crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 12.5°, 20.0°, 20.9°, 22.2°, 24.5°, 25.1°, and $28.0^{\circ} \pm 0.2^{\circ}$ 20,
- ii) a crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 7.4°, 8.9°, 9.6°, 11.4°, 12.2°, 12.9°, 14.1°, 16.7°, 21.2°, 21.8°, 24.1°, and 26.0° \pm 0.2° 2 θ , and
 - iii) mixtures of i) and ii),
 - b) isolating a solid from the slurry, and
- c) drying the isolated solid at ambient temperature and pressure to obtain the crystalline form of gatifloxacin of claim 8.
- 10. (previously presented) A crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 11.1°, 11.7°, 12.5° and 23.0° \pm 0.2° θ .
- 11. (original) The crystalline form of gatifloxacin of claim 10 having an x-ray diffraction diagram as shown in Figure 3.
- 12. (previously presented) A method of making the crystalline form of gatifloxacin of claim 10 comprising the steps of:
- a) providing, at a temperature of at least about 75° C, a solution of gatifloxacin in a solvent consisting essentially of a mixture of ethanol and water, wherein the ethanol is present in the mixture in an amount of at least about 95 vol-% relative to the water,
 - b) cooling the solution to obtain a suspension, and
 - c) isolating the crystalline form of gatifloxacin from the suspension.
- 13. (original) The method of claim 12 wherein the solution is cooled to ambient temperature and thereafter to a temperature of about 0° C to about 10°C.
- 14. (previously presented) The method of claim 12 wherein the water is present in the mixture in an amount of about 1 vol-% relative to the ethanol.

- 15. (previously presented) A crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 6.8°, 7.1°, 11.1°, 15.5°, and 17.4° \pm 0.2° 20.
- 16. (previously presented) The crystalline form of gatifloxacin of claim 15 having an x-ray diffraction diagram as shown in Figure 4.
- 17. (previously presented) A method of making the crystalline form of gatifloxacin of claim 15 comprising the steps of:
- a) providing, at reflux, a solution of gatifloxacin in a solvent consisting essentially of a mixture of acetonitrile and water, wherein the water is present in the mixture in an amount of about 2 vol-% relative to the acetonitrile,
 - b) cooling the solution to obtain a suspension,
 - c) isolating a solid from the suspension, and
- d) drying the isolated solid at about 50° C and a pressure of about 10 to about 400 mm Hg to obtain the crystalline form of gatifloxacin.
- 18. (previously presented) The method of claim 17, wherein the solution is cooled to ambient temperature and thereafter to a temperature of about 0° C to about 10°C.
- 19. (previously presented) A crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 9.3°, 11.0°, 12.0°, 14.5°, 18.6° and $21.2^{\circ} \pm 0.2^{\circ}$ 2 θ .
 - 20. (canceled)
- 21. (currently amended) The crystalline form of gatifloxacin of claim 20 19, having an x-ray diffraction diagram as shown in Figure 5.
- 22. (previously presented) A method of making the crystalline form of gatifloxacin of claim 19 comprising the steps of:
 - a) crystallizing gatifloxacin from acetonitrile,
 - b) isolating the crystalline gatifloxacin,
- c) slurrying the isolated crystalline gatifloxacin in a lower alkanol having 1 to 4 carbon atoms for at least about 2 hours, and
 - d) isolating the crystalline form of gatifloxacin of claim 19 from the slurry.

- 23. (original) The method of claim 22 wherein the lower alkanol is ethanol.
- 24. (previously presented) A crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 7.4°, 8.9°, 9.6°, 11.4°, 12.2°, 12.9°, 14.1°, 16.7°, 21.2°, 21.8°, 24.1°, and 26.0° \pm 0.2° 2 θ .
- 25. (previously presented) The crystalline form of gatifloxacin of claim 24 having an x-ray diffraction diagram as shown in Figure 6.
- 26. (previously presented) A method of making the crystalline form of gatifloxacin of claim 24 comprising the steps of:
 - a) crystallizing gatifloxacin from acetonitrile,
 - b) isolating the crystalline gatifloxacin,
- c) slurrying the isolated crystalline gatifloxacin in ethanol for less than about 2 hours, and
 - d) isolating the crystalline form of gatifloxacin of claim 24 from the slurry.
- 27. (previously presented) A method of making gatifloxacin sesquihydrate comprising the step of maintaining a crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 11.1° , 11.7° , 12.5° and $23.0^{\circ} \pm 0.2^{\circ}$ 20 at ambient temperature for a time sufficient to effect conversion to the sesquihydrate.
- 28. (previously presented) The method of claim 27 wherein the crystalline form of gatifloxacin is maintained for about one month.
- 29. (previously presented) A method of making a crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 13.5° , 19.6° , 20.4° , 23.6° , 25.8° , and $28.5^{\circ} \pm 0.2^{\circ}$ 20 comprising the step of drying gatifloxacin form K at about 50° C and a pressure of about 10 mm Hg.
- 30. (previously presented) The method of claim 29 wherein the gatifloxacin form K is dried for about 24 hours.
- 31. (previously presented) A method of making a crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 6.7°, 11.3°, 13.8°, and 16.4° \pm 0.2° 20 comprising the step of drying gatifloxacin form K at about 50° C and atmospheric pressure.

- 32. (previously presented) The method of claim 31 wherein the gatifloxacin form K is dried for about 12 to about 18 hours.
- 33. (previously presented) A method of making a crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 13.5° , 19.6° , 20.4° , 23.6° , 25.8° , and $28.5^{\circ} \pm 0.2^{\circ}$ 20 comprising the step of maintaining a crystalline form of gatifloxacin characterized by an x-ray diffraction diagram consisting essentially of a major reflection at about $17.2^{\circ} \pm 0.2^{\circ}$ 20 at ambient temperature for a time sufficient to effect conversion to the crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 13.5° , 19.6° , 20.4° , 23.6° , 25.8° , and $28.5^{\circ} \pm 0.2^{\circ}$ 20.
- 34. (previously presented) The method of claim 33 wherein the crystalline form of gatifloxacin characterized by an x-ray diffraction diagram consisting essentially of a major reflection at about $17.2^{\circ} \pm 0.2^{\circ}$ 20 is maintained for about 2 months.
- 35. (previously presented) A method of making gatifloxacin hemihydrate comprising the step of maintaining a crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 8.8°, 14.1°, 17.6°, 18.2°, 22.0°, and $22.6^{\circ} \pm 0.2^{\circ}$ 20 at room temperature for a time sufficient to effect conversion to the hemihydrate.
- 36. (previously presented) A method of making the crystalline form of gatifloxacin of claim 24 comprising the step of heating a crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 11.1° , 11.7° , 12.5° and $23.0^{\circ} \pm 0.2^{\circ}$ 20 at 50°C.
- 37. (previously presented) A pharmaceutical composition comprising at least one pharmaceutically acceptable excipient and at least one of
- i) a crystalline form of gatifloxacin characterized by an x-ray diffraction diagram consisting essentially of a major reflection at about $17.2^{\circ} \pm 0.2^{\circ} 2\theta$,
- ii) a crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 8.8°, 14.1°, 17.6°, 18.2°, 22.0°, and 22.6° \pm 0.2° 20,
- iii) a crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 11.1° , 11.7° , 12.5° and $23.0^{\circ} \pm 0.2^{\circ}$ 20,

- iv) a crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 6.8° , 7.1° , 11.1° , 15.5° , and $17.4^{\circ} \pm 0.2^{\circ}$ 20,
- v) a crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 9.3°, 11.0°, 12.0°, 14.5°, 18.6° and 21.2° \pm 0.2° 20, or
- vi) a crystalline form of gatifloxacin characterized by an x-ray diffraction diagram having reflections at about 7.4°, 8.9°, 9.6°, 11.4°, 12.2°, 12.9°, 14.1°, 16.7°, 21.2°, 21.8°, 24.1°, and 26.0° \pm 0.2° 20.